

# SENATE NO. 275

## AN ACT RELATIVE TO BULLYING

*Be it enacted by the Senate and House of Representatives in General Court assembled,  
And by the authority of the same, as follows:*

1 SECTION 1. Chapter 71 of the General Laws is hereby amended by inserting after section 37N  
2 the following 2 sections:-

3 Section 37O. (a) The general court finds that bullying and intimidation disrupt a school's ability  
4 to educate its students and threaten the public safety by creating an atmosphere in which this  
5 behavior can escalate into violence. Further, the general court finds that a safe and civil  
6 environment is necessary for students to learn and achieve high academic standards.

7 (b) As used in this section the following word shall, unless the context clearly requires  
8 otherwise, have the following meaning:-

9 "Bullying", repeated written, electronic, or verbal expressions, physical acts, or gestures  
10 which a reasonable student under the circumstances should know would or could cause: (1)  
11 physical harm, (2) damage to another student's property, or (3) a hostile school environment.  
12 The behavior must be severe and must interfere with a student's academic performance or  
13 ability to learn, or interfere with a student's ability to participate in or benefit from services,  
14 activities, or privileges.

15 (c) Every school district shall include in its district code of conduct, as required by section 37H,  
16 the following:

17 (1) a statement prohibiting bullying; and

18 (2) a bullying prevention plan.

19 (d) Each district superintendent shall develop a bullying prevention plan in consultation with  
20 teachers, staff, professional support personnel, administrators, students and parents, and shall  
21 update the plan biennially. Each bullying prevention plan shall include the following elements:

22 (1) a statement prohibiting bullying on or near school grounds, at any school-sponsored event or  
23 activity or using school computers or technology. The statement shall also prohibit retaliation  
24 against students or school personnel who report incidents of bullying;

25 (2) a method for students, staff and parents to report bullying behavior. Each school must  
26 designate a school official, identified by job title, who shall be responsible for implementing  
27 and enforcing the plan;

28 (3) the type of behavior expected from each student and staff member and age-appropriate  
29 descriptions of forbidden behavior;

30 (4) ongoing professional development for staff and age-appropriate curriculum for students  
31 regarding bullying; and

32 (5) an outline of the procedures to be used in a flexible and prompt bullying response, the range  
33 of consequences and remedial actions for a student who commits an act of bullying or retaliates  
34 against students or school personnel who report incidents of bullying and notification of parents  
35 or guardians of these incidents in a prompt manner.

36 (e) Nothing in this section shall supersede or replace existing rights and remedies under federal  
37 law or laws of this commonwealth.

38 (g) Nothing in this section shall create a private remedy for enforcement of this section against  
39 any public school, school district or the commonwealth.

40 (h) Nothing in this section shall prevent remediation for any harassment under legally protected  
41 categories under state and federal law.

42 Section 37P.

43 (a) The board of education shall approve a list of bullying prevention resources consistent with  
44 section 37O that shall be made available for use by school districts. These resources may  
45 include: print, audio, video, or digital media; subscription-based online services; and on-site or  
46 technology-enabled professional development and training sessions.

47 (b) No school district shall be required to implement a bullying prevention plan as described in  
48 section 37O unless the funds to pay for bullying prevention resources approved by the board of  
49 education under subsection (a) are provided by the state.

50 SECTION 2. The department of education shall establish rules and regulations defining district  
51 reporting requirements for incidents of bullying. In the development of these rules and  
52 regulations, the department shall consider how these reporting requirements may be  
53 incorporated into existing district disciplinary reporting requirements.